



BOARD OF APPEALS

Town of Arlington

Arlington, Massachusetts 02476

51 Grove Street
Telephone (781) 316-3396

ZONING BOARD OF APPEALS

April 14, 2020

7:45 PM

Remotely Conducted (Zoom)

DRAFT

Minutes:

Attendance: Christian Klein RA, Acting Chair., Roger DuPont Esq., Shawn O'Rourke Esq., Kevin Mills, Patrick M. Hanlon Esq., Steve Revilak, Associate Member., Richard Vallarelli, Administrator., Peter Buckley, Legal., Don Seltzer.

- 1) Acting Chair Klein opened the meeting at 7:45 PM and started with a roll call of attendees. Because this format was new to the Board, Mr. Klein explained the protocol *for remotely conducted meetings*. Mr. Klein welcomed the two (2) newly appointed associated members Mr. Steve Revilak and Mr. Aaron Ford.
- 2) Mr. Klein requested a motion to except Meeting Minutes from the February 25, 2020 hearings. Mr. Hanlon made a motion to except as written and Mr. Mills seconded.

SO VOTED 5-0

- 3) Mr. Klein addressed the changes to the Comprehensive Permit Regulations. He asked if anybody had any comments or questions regarding the revisions. Mr. Hanlon, Mr. DuPont, and Mr. Revilak had some suggestions but in the end voted to accept the revisions with minimal changes. Mr. Hanlon made a motion to approve. Mr. DuPont seconded the motion.

SO VOTED 5-0

- 4) Acceptance of Decisions: Mr. Klein reported that there were three (3) draft decisions that had to be approved.

Docket #3618, 50 Cutter Hill Road: Mr. Klein asked if there were any comments or suggestions. There were none. Mr. O'Rourke asked if a e-signature would be ok. Mr. Buckley said that under the current circumstances (covid-19) that it would. A motion was made and seconded to accept as written.

SO VOTED 5-0

Docket #3617, 41 Westminster Avenue: Mr. Klein explained the rules to of how to review and comment on a draft decision within the regulations of the open meeting law. Before the Board voted to accept, Mr. O'Rourke suggested that in the future the Petitioner's Attorney should write Variance Decisions. Mr. DuPont thought that the result would be Decisions in favor of the Petitioner (or client). After some discussion, the Board agreed. Mr. Hanlon said that "as long as we can comment, adjust, and given that a vote is required to except, there is no risk". It was suggested that because this case included both a Variance and a Special Permit, the Decision should address each individually. Mr. Vallarelli agreed and offered to make the adjustment.

DECISION PENDING

Docket #3612, 1314 Massachusetts Avenue: Mr. Klein asked if there were any comments or suggestions. Mr. DuPont corrected the paragraph that insinuated that the case analysis was not his opinion but rather just a statement by Professor Mark Bobrowski. Mr. DuPont made a motion to accept the Decision. Mr. Mills seconded.

SO VOTED 5-0

5) Mr. Klein reported that the "Thorndike Place" hearing was rescheduled to June 9, 2020. He noted that this is tentative pending the current condition. The venue will be determined once the Board gets the "green light" to proceed. Mr. Vallarelli reported that new documentation was delivered to Inspectional Services and that he would distribute to the members by Friday, April 18. Mr. O'Rourke requested that any and all documentation be distributed to the Board so they will have as much information as possible prior to the hearing. Mr. Revilak had questions about the site elevations. Mr. Vallarelli told Mr. Revilak that he would get him what he had as he thought there were elevations on the new drawings. Mr. Klein asked if the new drawings could be posted on the ZBA website. Mr. Vallarelli offered to take care of that request. a motion was made to continue the hearing to June 9, 2020.

HEARING CONTINUED TO JUNE 9, 2020

6) Election of Officers: Mr. Klein was elected to serve as Chair and Mr. Hanlon as Vice-Chair. Both received unanimous votes.

SO VOTED 5-0